

REMARKS

Claims 3-5, 7-20, and 23-27 are pending in the application. Claims 3-5, 7-20, and 23-27 stand rejected in this Office Action. Reconsideration of the application, as amended is requested. No new matter has been added. The examiner's rejections are considered in substantially the same order as presented.

Objections to the Specification

Examiner has objected to the disclosure because there is no brief description of Figures 2A and 2B, that there are certain references to Figure 2 in the specification, which has been substituted with Figures 2A and 2B, and that reference numerals 32' and 45' shown in Figure 2B are not found in the specification. Applicant wishes to thank the Examiner for pointing to these deficiencies. Applicant has amended the specification to show the requested changes to obviate these objections and to correct clerical errors and/or to provide missing explanation. Applicant notes that reference numerals 32' and 45' relating to FIG. 2B are specified on substitute page 9 submitted with response to the prior office action.

Rejections under 35USC102

The Examiner has rejected claims 3-5, 7-20 and 23-27 under 35 USC102(b) as being anticipated by Mahlmeister et al. (U.S. Patent 3,115,819)

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the

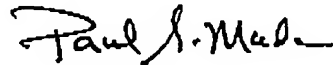
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... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *Ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Each of the independent claims has been amended to include that the conditioned air exits from the air passage to the outside environment . Mahlmesiter discloses modular structure in which the conditioned air flows into an enclosed area, enters at bottom of walls, which is recirculated into the conditioning unit. Mahlmeister does not show, teach or disclose any structure in which the conditioned air is channeled through an outer wall spacing that exits to the outside environment. Accordingly, Applicant submits that claims, as amended, are neither anticipated under 35 U.S.C. §102 nor obvious under § 103 in view of Mahlmeister and request an early Notice of Allowance.

Reconsideration of the application as amended is respectfully requested. The Commissioner is hereby authorized to charge any fee and credit any overpayment associated with this response to **Deposit Account No. 13-0010(VAC-1001-US)**.

Respectfully submitted,



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